

LOUIS CHEATOM,)	No. C 10-0590 JSW (PR)
)	
Petitioner,)	ORDER DENYING
)	CERTIFICATE OF
vs.)	APPEALABILITY
)	
RANDY GROUNDS, Warden,)	(Docket No. 10)
)	
Respondent.)	
)	


A judge shall grant a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The certificate must indicate which issues satisfy this standard. *See id.* § 2253(c)(3). "When the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid

1 claim of the denial of a constitutional right and that jurists of reason would find it
2 debatable whether the district court was correct in its procedural ruling.” *Slack v.*
3 *McDaniel*, 529 U.S. 473, 484-85 (2000). For the reasons set out in the ruling on the
4 motion to dismiss, jurists of reason would not find the order granting Respondent’s
5 motion to dismiss debatable or wrong. Petitioner’s request for a certificate of
6 appealability (docket number 10) is DENIED.

7 As instructed in the order of remand, the clerk shall transmit the record and this
8 order to the Court of Appeals.

9 IT IS SO ORDERED.

10 DATED: December 21, 2011

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12 JEFFREY S. WHITE
13 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LOUIS CHEATOM,

Plaintiff,

v.

C. NOLL et al,

Defendant.

Case Number: CV10-00590 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 21, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Louis Cheatom H-17581
H-17581
CTFC ED-99L
P.O. Box 689
Soledad, CA 93960

Dated: December 21, 2011


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk